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1942.

File No. B Munis Bom city. 142=IV

Legal **DEPARTMENT**

B **BRANCH**

Subject:—

P-10/-E

Governor's Bill No XIX of 1942—

A Bill to amend the City of Bombay Municipal Act, 1888

(Amdt. of ss. 45 & sch. BB.)

Bom. XVI of 1942—

File No. B Munis Bom City /42-IV

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2.	G.L.,L.D. No.7771, dated 25-9-42.	Assent of the Governor.	3-8. 5-8 not typ
3.	L.D. R.I.No. 10607, dt. 8-10-42.	Governor's assent.	9-10.
4.	G.N.,L.D. No.8221, dt. 9-10-42.	Publication of the Act.	11-16. 13-16 not typed

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Office of the R.L.A.

A revised draft Bill is appended.

2. The object of the measure is stated to be to reduce for three years, with effect from 1942-43, the statutory Municipal contribution to the Improvement Schemes General Account from 3% to 2%. It is assumed that the expression 3% is used to connote "three times the general tax realisations divided by the rate of General Tax in force in any year. The revised draft gives effect also to the decision in H.E.'s minute that the reduction should be for three years.

3. The Bill does not require to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, or para.(2) of the Proclamation as it does not relate to any matter in the Concurrent Legislative List. The Bill ~~xxxx~~ requires the previous concurrence of the Governor General under executive instructions. The statement of objects and reasons at pages 3-4 ante as slightly amended appears to be in order.

Sd. P.N.Moos,
22/5
Remembrancer of Legal Affairs.

U.R.to G.D.,No.4235 dated the 22nd May 1942.

MRP.
2/5/56.

No.7771.

Legal Department,
Bombay Castle, 25th September 1942.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.,

Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the City of Bombay Municipal Act, 1888.

Sir,

With reference to your Memorandum No.201(62) dated the 18th June 1942 addressed to the General Department, on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the City of Bombay Municipal Act, 1888, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry No.13 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. None of the provisions of the Bill relates to any matter enumerated in the Concurrent Legislative List. It is not, therefore, necessary to reserve the Bill for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5.

5. I also forward herewith one spare copy of the Bill.

Your obedient servant,

Sd. P.H.Moos
24/9.

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,
General Department.

MRP.
2/5/56.

No.201(62)

Office of the Governor's Secretary,
Government House,
Bombay, 7th October 1942.

From

J.B.Irwin, Esquire, CIE.DSO.MC.ICS.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- A Bill to amend the City of Bombay Municipal Act, 1888.

Sir,

With reference to your letter No.7771, dated the 25th September 1942, I am directed to return herewith the copy of the Bill to amend the City of Bombay Municipal Act, 1888, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant,

Sd. J.B.Irwin,
Secretary to the Governor
of Bombay.

MRP.
2/5/56.

Acts.

Publication of the City of Bombay Municipal (Fourth Amendment) Act. 1942.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.8221.
Bombay Castle, 9th October 1942.

Letter to the Secretary to the Governor, No.7771, dated the 25th September 1942.

Letter from the Secretary to the Governor, No.201(62) dated the 7th October 1942.

"With reference to your letter No.7771, dated the 25th September 1942, I am directed to return herewith the copy of the Bill to amend the City of Bombay Municipal Act, 1888, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION:- The law should be published as Bombay Act No.XVI of 1942, in the Bombay Government Gazette dated the 10th October 1942.

2. The Act should be translated into Marathis, Gujarati, and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Sd. S.L.Chaudhari

for { P.N.Moos,
(Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a ~~xxxxxx~~ copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).

The General Department. *The Oriental Translator to Government, The Secretary to the Bombay Legislative Council. The Secretary to the Bombay Legislative Assembly.	With a copy of the Act.

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*With five extra copies.

MRP.
2/5/56.

~~85~~
33

Act, No XVI

GOVERNOR'S BILL ~~No. XIX~~ OF 1942.

A Bill to amend the City of Bombay Municipal Act, 1888.

WHEREAS it is necessary to amend the City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing; Bom. III of 1888.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5 Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Fourth

1. This Act may be called the City of Bombay Municipal (~~Third~~ Amendment) Act, 1942. Short title.

2. To sub-clause (*d*) of clause (*2*) of section 125 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following proviso shall be added, namely :— Amendment of section 125 of Bom. III of 1888. Bom. III of 1888.

"Provided that as respects the estimates for the three financial years commencing from the financial year 1942-1943, this sub-clause shall have effect as if for the words 'three times' the word 'twice' were substituted."

3. To clause (*4*) of rule 5 of Schedule BB to the said Act, the following proviso shall be added, namely :— Amendment of Schedule BB to Bom. III of 1888.

"Provided that as respects the three financial years commencing from the financial year 1942-1943, this clause shall have effect as if for the words 'three times' the word 'twice' were substituted."

SM Bk H 672

STATEMENT.

The principle of the Corporation contributing out of revenue for the purpose of improvement schemes in the City dates from the enactment of the City of Bombay Improvement Act, 1898, section 72 of which provided for payment by the Corporation to the City Improvement Trust of an yearly sum not exceeding 2 per cent. on the total rateable value of all buildings and lands in the City. By an amending Act of 1913 the sum payable was altered to a sum equal to double the amount of the actual net realisations of the Corporation in the preceding financial year under the head of general tax or payments in lieu of general tax (including arrears and payments in advance) divided by the rate fixed for the general tax for the financial year. A similar provision was continued in the City of Bombay Improvement Trust Transfer Act, 1925.

With effect from the 1st October 1933, upon the amalgamation of the City Improvement Trust with the Corporation, the principle of a contribution from the ordinary revenue of the Corporation to an improvement schemes account was adhered to, although such a payment no longer involved transfer of money from one legal corporation to another. All improvement scheme finance was included in a separate budget B and rules for an improvement schemes account were laid down in the new schedule BB of the Act. At that time it was considered that the contribution made from the general revenue to the improvement schemes account should be increased in order to meet the deficits then apprehended to be likely in connection with improvement schemes. Accordingly, in rule 5 (4) of schedule BB it was provided that the contribution to the general account for improvement schemes purposes should be *three times* the actual net realisations of the Corporation in the preceding year under the head of general tax or payments in lieu of general tax (including arrears and payments in advance) divided by the rate fixed for the general tax for the financial year.

During recent years the Corporation has lost a substantial amount of revenue by the abolition of town duty on cotton, the excise compensation and the withdrawal of grant-in-aid out of the proceeds of tobacco duty. On the other hand,

there has been a considerable increase in expenditure due to extension of primary education and improvement in extension of essential services and the provision of new amenities during the last 14 years. The gap between revenue and expenditure was hitherto met by drawings from surplus balances and the excess accumulations in the Special Funds. It is therefore necessary that some relief should be afforded to the Corporation in the difficult situation with which it is now faced and for this purpose it is proposed to revert for a period of three years with effect from 1st April 1942, to the provision for contribution as it was before the amalgamation of the Corporation and the City Improvement Trust, by providing for payment based upon twice the actual net realisations under the head of general tax, instead of three times as at present.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.